

From the
INTERNATIONAL SEARCHING AUTHORITY

PATENT COOPERATION TREATY

To:
BENJAMIN J. BARISH
G.E. EHRLICH (1995) LTD.
11 MENACHEM BEGIN STREET
RAMAT GAN, ISRAEL 52521

REC'D 08 FEB 2006

PCT

WIPO

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference

29185

International application No.

PCT/IL05/00254

International Patent Classification (IPC) or both national classification and IPC
IPC(7): A61B 17/04 and US Cl.: 606/148

Applicant

OREN, RAN

Date of mailing
(day/month/year)

06 FEB. 2006

FOR FURTHER ACTION

See paragraph 2 below

Priority date (day/month/year)

04 March 2004 (04.03.2004)

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201 Form PCT/ISA/237 (cover sheet) (April 2005)	Date of completion of this opinion 01 February 2006 (01.02.2006)	Authorized officer Julian W. Woo Signature of Julian W. Woo Telephone No. 571-272-2975
---	---	---

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IL05/00254

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
 - the international application in the language in which it was filed
 - a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material
 - on paper
 - in electronic form
 - c. time of filing/furnishing
 - contained in the international application as filed.
 - filed together with the international application in electronic form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/IL05/00254

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 3-8,10-20 YES
Claims 1,2,9 NO

Inventive step (IS)

Claims 3-8 and 10-20 YES
Claims 1,2,9 NO

Industrial applicability (IA)

Claims 1-20 YES
Claims NONE NO

2. Citations and explanations:

Claims 1 and 2 lack novelty under PCT Article 33(2) as being anticipated by Mangum (5,397,326). Mangum discloses, at least in figure 10, an implement for manipulating a knotted suture, where the implement includes an elongated shaft (402) and a distal end of the elongated shaft having an end face formed with a recess (between 412 and 422), the distal end being formed with an open slot (440) starting from a location spaced from the end face and leading to the recess, where the open slot is formed of a width to accommodate a wide range of suture sizes and materials.

Claims 1 and 9 lack novelty under PCT Article 33(2) as being anticipated by Andreas et al. (5,797,929). Andreas et al. disclose, at least in figures 1, 3, and 4, an implement for manipulating a knotted suture, where the implement includes an elongated shaft (12) and a distal end (22) of the elongated shaft having an end face formed with a recess (40), the distal end being formed with an open slot (42) starting from a location spaced from the end face and leading to the recess, where the distal end is of increased outer diameter.

Claims 3-8 and 10-20 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest an implement for manipulating a knotted suture, where the implement includes, inter alia, an elongated shaft and a distal end of the elongated shaft having an end face formed with a recess, the distal end being formed with an open slot starting from a location spaced from the end face and leading to the recess, where the open slot is formed with a first section leading from the recess towards the proximal end of the elongated shaft, and a second section leading from a juncture with the first section towards the distal end of the elongated shaft but terminating short of the end face, and where a tubular outer encloses the elongated shaft.

Claims 1-20 meet the criteria set out in PCT Article 33(4), and thus an implement for manipulating a knotted suture has industrial applicability because the subject matter claimed can be made or used in industry.